

In September 2000, a breakthrough occurred, and both sides agreed to support compromise legislation that won broad bipartisan congressional support. Unfortunately, attempts to enact it were blocked in the lame-duck session that year. The election of President Bush in 2000 changed the dynamics of the agreement, and the compromise fell apart.

A compromise was finally reached in September 2003 which led Senator CRAIG and me to introduce the AgJOBS bill. Last Congress, we had, as Senator CRAIG has pointed out, 63 Senate cosponsors, nearly evenly divided between Democrats and Republicans. Despite such strong bipartisan support, the leadership last year blocked our attempt to obtain a vote on this legislation. This is the second Congress in which Senator CRAIG and I have introduced the AgJOBS bill. Congress has had extensive discussions of this legislation in the past, and it is long past time for us to act.

Opponents of our amendment have offered no workable solutions. We cannot be complacent any longer. It is time for a new approach.

The American people want common-sense solutions to real problems such as immigration. They want neither open borders nor closed borders. They want smart borders. They are neither anti-immigrant nor anti-enforcement. Instead, they are anti-disorder and anti-hypocrisy. They want the Federal Government to get its act together, to set rules that are realistic and fair, and to follow through and enforce these realistic rules effectively and efficiently.

AgJOBS meets these goals. It addresses our national security needs, reflects current economic realities, and respects America's immigrant heritage.

The status quo is untenable. In the last 10 years, the U.S. Government has spent more than \$20 billion to enforce our immigration laws. We have tripled the number of border security agents, improved surveillance technology, installed other controls to strengthen border enforcement, especially at the southwest border. None of these efforts have been adequate. Illegal immigration continues.

The proof is in the numbers. Between 1990 and 2000, the number of undocumented immigrants doubled from 3.5 million to 7 million. Today that number is nearly 11 million, with an average annual growth of almost 500,000. Those already here are not leaving, and new immigrants keep coming in. Massive deportations are unrealistic as a policy, impractical to carry out, and unacceptable to businesses that rely heavily on their labor.

Obviously, we must control our borders and enforce our laws, but we first need realistic immigration laws that we can actually enforce. The AgJOBS bill is a significant step. By bringing these illegal workers out of the shadows, we will enable law enforcement to focus its efforts on terrorists and vio-

lent criminals. We will reduce the chaotic, illegal, all too deadly traffic of immigrants at our borders by providing safe opportunities for farmworkers and their families to enter and leave the country.

The AgJOBS bill enhances our national security and makes our communities safer. It brings the undocumented farmworkers and their families out of the shadows and enables them to pass through security checkpoints. It shrinks the pool of law enforcement targets, enables our offices to train their sights more effectively on the terrorists and the criminals. The undocumented farmworkers eligible for this program will undergo rigorous security checks as they apply for legal status. Future temporary workers will be carefully screened to meet security concerns.

The AgJOBS amendment provides a fair and reasonable way for undocumented agricultural workers to earn legal status. It reforms the current visa program so that agricultural employers unable to hire American workers can hire needed foreign workers. Both of these components are critical. They serve as the cornerstone for comprehensive immigration reform of the agricultural sector.

Undocumented farmworkers are clearly vulnerable to abuse by unscrupulous labor contractors and growers. They are less likely than U.S. workers to complain about low wages, poor working conditions, or other labor law violations. Their illegal status deprives them of bargaining power and depresses the wages of all farmworkers. These workers are already among the lowest paid of all workers in America. According to the most recent findings of the national agricultural workers survey issued last month, their average individual income is between \$10,000 and \$12,000 a year. The average annual family income is \$15,000 to \$17,000.

Thirty percent of their households live below the poverty line. Only half of them own a car and even fewer own a home or even a trailer. By legalizing these farmworkers, the threat of deportation is removed. They will be on equal footing with U.S. workers and the end result will be higher wages, better working conditions, and upward job mobility for all workers.

Opponents of reform continually mislabel any initiative they oppose as "amnesty" in a desperate attempt to stop any significant reform. Instead of proposing ways to fix our current broken system, they are calling for more of the same—increased enforcement of broken laws. However, enforcing a dysfunctional system only leads to greater dysfunction.

The AgJOBS bill is not an amnesty bill. The program requires farmworkers to earn legal status. They must demonstrate not only contributions but also a substantial future work commitment before they earn the right to remain in our country.

First, they will receive temporary resident status, based on their past

work experience. They must have worked for at least 100 work days in agriculture by December 31, 2004. To earn permanent residence, they must fulfill a prospective work requirement. They must work at least 360 days in agriculture during a six-year period. At least 240 of those 360 work days must occur during the first 3 years. Temporary residents who fail to fulfill the prospective agricultural work requirement will be dropped from the program and required to leave the country.

It's not amnesty if you have to earn it. AgJOBS offers farm workers a fair deal: if they are willing to work hard for us, then we're willing to do something fair for them. It's the only realistic solution.

Contrary to statements made by its critics, AgJOBS does not provide a direct path to citizenship. Farm workers would first earn temporary residence if they provide evidence of past work in agriculture. The next step would be permanent residence, but only after they have completed thousands of hours of backbreaking work in agriculture—a process that could take up to 6 years. Once they earn permanent residence, these farm workers would have to wait another 5 years to be able to apply for citizenship. At that point, they would have to pass an English and civics exam, and go through extensive background checks. This process is long and arduous, as it should be. There is nothing direct about it.

To be eligible for legal status, applicants must be persons of good moral character and present no criminal or national security problems. Whether they are applying here or at U.S. consulates abroad, all applicants will be required to undergo rigorous security clearances. Like all applicants for adjustment of status, their names and birth dates must be checked against criminal and terrorist databases operated by the Department of Homeland Security, the FBI, the State Department, and the CIA. Applicants' fingerprints would be sent to the FBI for a criminal background check, which includes comparing the applicants' fingerprints with all arrest records in the FBI's database.

Contrary to arguments made by detractors of AgJOBS, terrorists will not be able to exploit this program to obtain legal status. Anyone with any ties to terrorist activity is ineligible for legal status under our current immigration laws, and would be ineligible under the AgJOBS bill. Our proposal has no loopholes for terrorists.

Opponents of AgJOBS claim that this bill is soft on criminals. Wrong again. AgJOBS has the toughest provisions against those who commit crimes—tougher than current immigration law. Convictions for most crimes will make them ineligible to obtain a green card. Generally, these convictions include violent crimes, drug crimes, theft, and domestic violence. AgJOBS goes even further. Applicants can be denied legal status if they commit a felony or three